



# 2016-001

STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

LUTHER STRANGE  
ATTORNEY GENERAL

October 5, 2015

501 WASHINGTON AVENUE  
P.O. BOX 300152  
MONTGOMERY, AL 36130-0152  
(334) 242-7300  
WWW.AGO.ALABAMA.GOV

Honorable Bobby M. Junkins  
Probate Judge  
Etowah County Probate Judge's Office  
Post Office Box 187  
Gadsden, Alabama 35902

Trial Court Security Plan – County  
Commissions – Probate Courts –  
Courthouses

The alternate security plan applicable to  
Etowah County as adopted on March 10,  
2010, covers the Probate Court of Etowah  
County.

Dear Judge Junkins:

This opinion of the Attorney General is issued in response to your  
request.

## QUESTION

Is the Probate Court of Etowah County covered  
by the “Trial Court Security Plan” (“Plan”) adopted by  
the Alabama Supreme Court on July 14, 1998?

## FACTS AND ANALYSIS

On July 14, 1998, the Alabama Supreme Court issued an order approving  
the Plan pursuant to Rule 37 of the Alabama Rules of Judicial Administration.  
ALA. R. JUD. ADMIN. 37. The purpose of the Plan is to “save lives, protect  
property, and ensure justice.” Plan at 1.

The Plan establishes a courthouse security committee (“Committee”) in  
each county to develop a security plan for the courthouses within each county.

Opinion to Honorable Allen D. Perdue, Chairman, Baldwin County Commission, dated April 25, 2002, A.G. No. 2002-217 at 4; opinion to Honorable Frank Gregory, Administrative Director, Administrative Office of Courts, dated October 22, 1998, A.G. No. 99-00023 at 2. If the Committee recommends security measures different than those set out in the Plan, the alternative security measures must be submitted to the Administrative Office of Courts for approval by the Alabama Supreme Court. *Perdue* at 4; *Gregory* at 2. If the alternative security measures are approved, then the Plan does not apply in that county. Plan at 3. If the alternative security measures are not approved, then the Plan remains applicable. *Id.*

The Administrative Office of Courts (“AOC”) has informed this Office that the Committee for Etowah County adopted an alternate security plan applicable to Etowah County that was approved and became effective on March 10, 2010. The Probate Judge is a member of the Court Security Operations Team under the alternate plan.

You question whether the Plan as adopted on July 14, 1998, covers the Probate Court of Etowah County. Rule 37 of the Alabama Rules of Judicial Administration authorizes the Supreme Court to formulate security plans for the courts in the Unified Judicial System. ALA. R. JUD. ADMIN. 37. The probate courts are part of the unified judicial system unless there is an express exception. Opinion to Honorable Eldon Sharp, Probate Judge, Tallapoosa County, dated January 13, 1989, A.G. No. 89-00123 at 1 (*citing McAfee v. Milam*, 331 So. 2d 254 (Ala. 1976)).

Rule 37, the Plan, nor the alternate plan specifically exempts the probate court from their requirements. To the contrary, the Plan and the alternate plan specifically include the probate judge on the Committee. Plan at 2; Alternate Plan at Appendix A. Thus, the alternate security plan applicable to Etowah County as adopted on March 10, 2010, covers the Probate Court of Etowah County.

#### CONCLUSION

The alternate security plan applicable to Etowah County as adopted on March 10, 2010, covers the Probate Court of Etowah County.

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I hope this opinion answers your question. If this Office can be of further assistance, please contact me.

Sincerely,

LUTHER STRANGE  
Attorney General  
By:

A handwritten signature in cursive script that reads "Brenda F. Smith".

BRENDA F. SMITH  
Chief, Opinions Division

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